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8 **BEFORE THE**  
9 **STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2016-4

12 **HECTOR OLAVARRIA JR**  
13 4152 Baldwin Avenue  
El Monte, CA 91731

**A C C U S A T I O N**

14 Operator's License No. OPR 10969, Branch 2,  
15 **and**

16 **LA VERNE PEST CONTROL INC,**  
17 **HECTOR OLAVARRIA JR,**  
18 **PRESIDENT/QUALIFYING MANAGER,**  
1238 Briarcroft Road  
Claremont, CA 91711

19 Company Registration Certificate No. PR 4675

20 Respondents.

21  
22 Complainant alleges:

23 **PARTIES**

24 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the  
25 Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of  
26 Consumer Affairs.

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28 ///

**FILED**

Date 7/13/15 By Susan Saylor

1           **Operator's License No. OPR 10969**

2           2.     On or about September 22, 2004, the Board issued Operator's License No. OPR  
3     10969, Branch 2 (general pest), to Hector Olavarria Jr. (Respondent). The Operator's License was  
4     in full force and effect at all times relevant to the charges brought herein and will expire on June  
5     30, 2016, unless renewed.

6           **Company Registration Certificate No. PR 4675**

7           3.     On or about February 3, 2005, the Board issued Company Registration Certificate No.  
8     PR 4675 to La Verne Pest Control Inc. with Hector Olavarria Jr as President/Qualifying Manager.  
9     On or about September 19, 2014 the Company Registration Certificate was suspended, pursuant  
10    to Code section 8697 (surety bond).

11                           **JURISDICTION**

12          4.     This Accusation is brought before the Board under the authority of the following laws.  
13     All section references are to the Business and Professions Code (Code) unless otherwise  
14     indicated.

15                           **STATUTORY PROVISIONS**

16          5.     Section 8620 of the Code provides, in pertinent part, that the Board may suspend or  
17     revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts  
18     or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil  
19     penalty.

20          6.     Section 8593 of the Code states:

21                   The board shall require as a condition to the renewal of each operator's  
22                   and field representative's license that the holder submit proof satisfactory to the board  
23                   that he or she has informed himself or herself of developments in the field of pest  
                    control either by completion of courses of continuing education in pest control  
                    approved by the board or equivalent activity approved by the board.

24                   In lieu of submitting that proof, the licenseholder, if he or she so desires,  
25                   may take and successfully complete an examination given by the board, designed to  
                    test his or her knowledge of developments in the field of pest control since the  
                    issuance of his or her license.

26                   The board shall develop a correspondence course or courses with any  
27                   educational institution or institutions as it deems appropriate. This course may be used  
28                   to fulfill the requirements of this section. The institution may charge a reasonable fee  
                    for each course.

1           The board may charge a fee for the taking of an examination in each  
2 branch of pest control pursuant to this section in an amount sufficient to cover the cost  
3 of administering each examination, provided, however, that in no event shall the fee  
4 exceed fifty dollars (\$50) for each examination.

5           7.     Section 8637 of the Code states:

6                   Misrepresentation of a material fact by the applicant in obtaining a license  
7 or company registration is a ground for disciplinary action.

8           8.     Section 8641 of the Code states:

9                   Failure to comply with the provisions of this chapter, or any rule or  
10 regulation adopted by the board, or the furnishing of a report of inspection without the  
11 making of a bona fide inspection of the premises for wood-destroying pests or  
12 organisms, or furnishing a notice of work completed prior to the completion of the  
13 work specified in the contract, is a ground for disciplinary action.

14           9.     Section 8654 of the Code states:

15                   Any individual who has been denied a license for any of the reasons  
16 specified in Section 8568, or who has had his or her license revoked, or whose license  
17 is under suspension, or who has failed to renew his or her license while it was under  
18 suspension, or who has been a member, officer, director, associate, qualifying  
19 manager, or responsible managing employee of any partnership, corporation, firm, or  
20 association whose application for a company registration has been denied for any of  
21 the reasons specified in Section 8568, or whose company registration has been  
22 revoked as a result of disciplinary action, or whose company registration is under  
23 suspension, and while acting as such member, officer, director, associate, qualifying  
24 manager, or responsible managing employee had knowledge of or participated in any  
25 of the prohibited acts for which the license or registration was denied, suspended or  
26 revoked, shall be prohibited from serving as an officer, director, associate, partner,  
27 qualifying manager, or responsible managing employee of a registered company, and  
28 the employment, election or association of such person by a registered company is a  
ground for disciplinary action.

### 20                   REGULATORY PROVISIONS

21           10.    California Code of Regulations, title 16, section 1950 states, in pertinent part:

22                   “(a) Except as provided in section 1951, every licensee is required, as a condition to  
23 renewal of a license, to certify that he or she has completed the continuing education requirements  
24 set forth in this article. A licensee who cannot verify completion of continuing education by  
25 producing certificates of activity completion, whenever requested to do so by the Board, may be  
26 subject to disciplinary action under section 8641 of the code.

27                   “(b) Each licensee is required to complete a certain number of continuing education hours  
28 during the three year renewal period. The number of hours required depends on the number of

1 branches of pest control in which licenses are held. The subject matter covered by each activity  
2 shall be designated as "technical" or "general" by the Board when the activity is approved. Hour  
3 values shall be assigned by the Board to each approved educational activity, in accordance with the  
4 provisions of section 1950.5.

5 . . . .

6 "(c) Operators licensed in one branch of pest control shall complete 16 continuing  
7 education hours during each three year renewal period. Operators licensed in two branches of pest  
8 control shall complete 20 continuing education hours during each three year renewal period.  
9 Operators licensed in three branches of pest control shall complete 24 continuing education hours  
10 during each three year renewal period. In each case, a minimum of four continuing education hours  
11 in a technical subject directly related to each branch of pest control held by the licensee must be  
12 completed for each branch license, a minimum of two hours in Integrated Pest Management as  
13 defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing on or after  
14 June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on  
15 the Structural Pest Control Act, the Rules and Regulations, or structural pest control related  
16 agencies' rules and regulations."

#### 17 COST RECOVERY

18 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law  
19 judge to direct a licensee found to have committed a violation or violations of the licensing act to  
20 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### 21 FACTS

22 12. On or about September 23, 2013, Respondent submitted an Operator's license renewal  
23 application to the Board wherein Respondent certified under penalty of perjury that he successfully  
24 completed all required continuing education coursework during his last renewal period.  
25 Specifically, Respondent signed a License Renewal Application, which provided in pertinent part:

26 Continuing Education Certification – I have completed "16" hours of continuing  
27 education required for renewal of my license. I DECLARE UNDER PENALTY OF  
28

1 PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
2 FOREGOING IS TRUE AND CORRECT.

3 13. Respondent filled in the "16" for the number of hours, signed his name below the  
4 above certification, and dated his signature "9/23/13."

5 14. On or about January 4, 2014, Respondent was notified that he had been selected for a  
6 continuing education (CE) audit by the Board. Respondent was informed that he needed to submit  
7 to the Board, copies of his certificates of completion that verify the CE hours for the renewal  
8 period July 1, 2010 through June 30, 2013. Respondent was given 14 days to respond to the  
9 Board's request or risk disciplinary action being taken against his license. Respondent failed to  
10 provide the Board with any certificates of completion of CE requirements for the renewal period  
11 indicated.

12 15. On or about March 21, 2014, and June 28, 2014, Respondent was notified by  
13 "SECOND NOTICE" and "FINAL NOTICE" respectively, that he had been selected for the 2013  
14 (CE) audit. Respondent was given 14 days to respond to the Board's request for both dates.  
15 Respondent was advised that his failure to verify his CE hours or to supply the requested  
16 information could subject his operator's license to disciplinary action. Respondent has not  
17 responded to any of the Board's requests.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Failure to Provide Proof of Continuing Education)**

20 16. Respondent is subject to disciplinary action pursuant to sections 8641 and 8593 of the  
21 Code in conjunction with California Code of Regulations, title 16, section 1950 subdivision (a), in  
22 that Respondent failed to provide the Board with verifiable documentation to demonstrate that he  
23 completed all of the courses of continuing education requirements as a condition of renewal of his  
24 Operator License. Specifically, Respondent failed to produce copies documenting completion of  
25 sixteen (16) hours of continuing education for the renewal period of July 1, 2010 through June 30,  
26 2013, as requested by the Board's representative. Complainant refers to and by this reference  
27 incorporates, the allegations set forth above in paragraphs 12-15, inclusive, as though set forth  
28 fully.

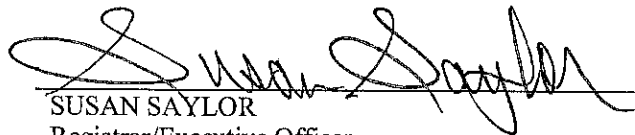


**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

1. Revoking or suspending Operator's License No. OPR 10969, issued to Hector Olavarria Jr;
2. Revoking or suspending Company Registration Certificate No. PR 4675, issued to La Verne Pest Control Inc, with Hector Olavarria Jr as President/Qualifying Manager;
3. Ordering Hector Olavarria, Jr. to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 7/13/15



SUSAN SAYLOR  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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